

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

JOHN EDWARD JOSLIN and MARK S.  
HAMILTON

Plaintiffs,

vs.

THE COUNTY OF TRINITY, SHERIFF  
JIMMY SMITH, OFFICIALLY AND  
INDIVIDUALLY, AND SGT. MARSHAL  
SCOTT TAYLOR, OFFICIALLY AND  
INDIVIDUALLY

Defendants.

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CIVIL ACTION NO. 9:05cv129

**ORDER**

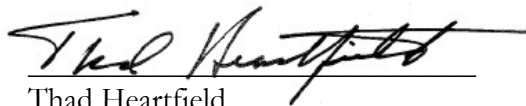
The above entitled and numbered civil action was referred by United States District Judge Thad Heartfield to United States Magistrate Judge Harry W. McKee pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The parties have made no objections to the Report and Recommendation.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is

ORDERED that the defendants' motion to dismiss (Doc. 4) is DENIED.

**SIGNED** this the 30 day of November, 2005.

  
Thad Heartfield  
United States District Judge